

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

JACQUELYNN WILLIAMS, et al.

CIVIL ACTION

Plaintiffs,

No.:

v.

EDWARD SYPHAN and PITT OHIO,
EXPRESS, LLC

Defendant.

NOTICE OF REMOVAL

AND NOW, come Defendants, Edward Syphan and Pitt Ohio Express, LLC (“Pitt Ohio”), by and through the undersigned counsel, John T. Pion, Esquire, Jordan C. Hettrich, Esquire, and Pion, Nerone, Girman, Winslow & Smith, P.C., and remove the above-captioned lawsuit pursuant to 28 U.S.C. § 1441 *et seq.* from the Court of Common Pleas of Ottawa County, Ohio (Case No. 2020-CVC-091), to the United States District Court for the Northern District of Ohio, and in support thereof, aver as follows:

1. Plaintiffs initiated the instant lawsuit in the Court of Common Pleas of Ottawa County, Ohio (Case No. 2020-CVC-091). Copies of the docket and all pleadings and process filed in the State Court action are attached hereto as Exhibit “A.”
2. The Complaint names Edward Syphan and Pitt Ohio as defendants and purports to assert negligence, wrongful death, survival, and intentional infliction of emotional distress relative to the death of James Williams.
3. Per the Complaint, Plaintiffs are residents of Toledo, Lucas County, Ohio.
4. Edward Syphan is a resident of Hermitage, Pennsylvania.

5. Pitt Ohio is a Pennsylvania limited liability company with its principle place of business located in Pittsburgh, Pennsylvania.

6. Per the Complaint, James Williams was forty (40) years old at the time of his death, and had a life expectancy of an additional thirty-seven (37) years. (Compl. ¶14). Additionally, per the Complaint, James Williamson was working as a truck driver and had just received a CDL Class B License. (Id.). Additionally, per the Complaint, Class B Operators earn about \$36,000 per year. (Id.).

7. Per the Complaint, Plaintiffs seek compensatory damages, including damages for loss on consortium, extreme conscious pain and suffering, terror, lost wages, funeral expenses and economic and non-economic losses relative to the death of James Williams.

8. Per the Complaint, Plaintiffs also seek punitive damages.

9. The above-captioned action, pending in the Court of Common Pleas of Ottawa County, Ohio is within the jurisdiction of the United States District Court for the Northern District of Ohio.

10. The United States District Court for the Northern District of Ohio has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 inasmuch as the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

11. This action is removable from the Court of Common Pleas of Ottawa County pursuant to the provisions of 28 U.S.C. § 1441 *et seq.*

12. Concurrent with the filing of this Notice of Removal, Defendants have filed a Notice of Filing of Notice of Removal with the Ottawa County Clerk of Courts, advising that they have removed this action to the United States District Court for the Northern District of Ohio.

13. In filing this Notice of Removal, Defendants do not waive any affirmative defenses they may assert in this action.

WHEREFORE, Defendants, Edward Syphan and Pitt Ohio pray that this Honorable Court remove the above-captioned case from the Court of Common Pleas of Ottaway County, Ohio to the United States District Court for the Northern District of Ohio.

JURY TRIAL DEMANDED

Respectfully submitted,

PION, NERONE, GIRMAN, WINSLOW
& SMITH, P.C.

/s/ John T. Pion, Esquire
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*Attorneys for Defendants,
Edward Syphan and Pitt Ohio Express, LLC*

CERTIFICATE OF SERVICE

I, John T. Pion, Esquire, hereby certify that a true and correct copy of the foregoing NOTICE OF REMOVAL was served upon counsel of record via electronic mail this 19th day of March, 2019, as follows:

Kent D. Riesen, Esquire
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Respectfully submitted,

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